

(See [Fed. R. Civ. P. 41](#))

LR 41-1 Voluntary Settlement - Notice of Settlement

(a) Notice of Settlement

Immediately upon reaching substantial agreement about the terms and conditions of a settlement, plaintiff's counsel must notify the courtroom deputy clerk for the assigned judge of the impending settlement.

(b) Assessment of Juror Costs for Late Notices

If the Court finds that the parties failed to notify the trial judges' courtroom deputy clerk and the trial judge of the settlement not later than 3:00 pm of the business day preceding the day the trial is to commence, and that the parties had the opportunity to do so, the Court may assess the costs of summoning and paying prospective jurors on one or more of the parties.

(c) Order of Dismissal

Upon notice of settlement pursuant to LR 41-1(a), the Court will direct the clerk to dismiss the case with prejudice and without costs, and with rights to any party to reopen the case in the event of a failure to consummate the final settlement agreement within sixty (60) days.

LR 41-2 Involuntary Dismissal (See [Fed. R. Civ. P. 41\(b\)](#))

(a) Order to Show Cause

The Court may notice for hearing any action or proceeding which does not appear to be diligently prosecuted.

(b) Party Statement Requirements

Not later than seven (7) days prior to the hearing date, each party will file and serve a statement describing:

(1) The status of the action or proceedings to date; and

(2) Whether good cause exists to dismiss the action or proceeding for failure to prosecute.

(c) Filing Motion to Dismiss

Nothing in this rule will preclude any party from filing a motion to dismiss an action or proceeding for failure to prosecute under [Fed. R. Civ. P. 41](#) .

Amendment History to LR 41

December 1, 2009

LR 41-1(a) The word "telephone" changed to "notify."

The phrase "to notify the Court" deleted.

LR 41-2(b) Period of five (5) days changed to seven (7) days.

LR 41-1(b) Former LR 47.1(b)